

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

130-101 CORPORATE EXISTENCE RETAINED

The inhabitants of the Town of Northfield, within the limits as now established, shall be a municipal corporation by the name of the Town of Northfield.

130-102 GENERAL LAW: APPLICATION

Except when changed, enlarged or modified by the provisions of this charter, all provisions of the statutes of the State of Vermont relating to municipalities shall apply to the Town of Northfield. Where this charter differs from or is in conflict with State statute, this charter shall have primacy and be the law applicable in Northfield.

130-103 SEPARABILITY

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of this charter or any of its provisions to a person or circumstance is held invalid, the application of this charter and its provisions to other persons or circumstances shall not be affected thereby.

130-104 POWERS OF THE TOWN

- a. The Town of Northfield shall have all the powers granted to towns and municipal corporations by the constitution and laws of this State as currently and hereafter enacted and all the powers granted by this charter. The Town shall also have the implied powers necessary to execute any power granted to it. The Town may enact ordinances not inconsistent with the constitution and laws of the State of Vermont or with this charter, and impose penalties for violation thereof.
- b. The Town may acquire property within or without its corporate limits for any Town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, consistent with the laws of the State of Vermont and may sell, lease, mortgage, hold, manage and control such property as its interest may require consistent with the constitution and laws of the State.
- c. The Seal of the Town of Northfield, heretofore adopted, is declared to be the official seal of the Town, to be used as required by law and custom.

130-105 FORM OF GOVERNMENT

The municipal government provided by this charter shall be known as the manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the Vermont Constitution and by this charter, all powers of the Town shall be vested in an elective council, which shall be known as the Select Board, which shall enact ordinances, codes and regulations, propose budgets,

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

determine policies, and appoint the Town Manager, who shall execute the laws and administer the government of the Town. All powers of the Town shall be exercised in the manners prescribed by this charter or prescribed by ordinance.

130-106 CHANGE OF FORM OF GOVERNMENT

Upon petition of a number of legal voters equal to at least ten percent (10%) of the total registered voters of the Town, the voters of the Town may (1) at a duly warned annual meeting or (2) at a duly warned special meeting which is also coincident with a State primary or general election, vote to change the form of government to any other legal form. To be considered at the first annual meeting, primary election, or general election following submission, the petition must be received by the Town Clerk sixty (60) days prior to that meeting. A majority of the legal votes cast by Australian Ballot shall be needed to effect a change of government as shall the approval of the State Legislature.

130-107 AMENDMENT OF CHARTER

This charter may be amended in the same manner that the form of government may be changed.

130-108 SPECIAL SERVICE DISTRICT

- a. The Town of Northfield may designate, establish and modify the boundaries of certain special districts, in which are provided municipal services (water, sewer, electric, and telecommunications, etc.) not available elsewhere in the Town. The cost for providing such municipal services, operating costs, and the cost to finance any capital improvements relating to such services will be the responsibility of the users of such services only. Non-Users of any municipal service(s) will not be charged in any form for any expense related to such municipal service(s).
- b. No such special service district may be designated, established, enlarged or modified without the approval of the residents in said district, by the affirmative Australian Ballot vote of a majority of those residents within said district voting at a special meeting for such purposes.

130-109 INTERGOVERNMENTAL RELATIONS

The Town through its Select Board may enter into any agreement with the United States of America, the State of Vermont, any subdivision of either, or any combination thereof to make public improvements within the Town or upon property or rights of the Town outside its corporate limits, whether owned by the Town as sole owner or in common with one or more other municipalities, subject to the approval of the Town voters by Australian Ballot, and may prepare

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

budgets and make appropriations in accordance with Sections 130-405 and 130-407 of this charter to accomplish such purpose.

130-110 OPEN MEETINGS

- a. Meetings of all Town boards and commissions shall be open and held in accordance with the general law of this State relating to open meetings. The record of all official proceedings shall be available for public inspection and copying as provided by the general law of this State.
- b. All meetings of any board, commission or committee within the Town shall be held pursuant to a written agenda containing therein the specific agenda items to be acted upon. The posting and publishing of said agenda(s) shall be in accordance with general law. In the event that the general law is silent on such matters, agendas shall at a minimum be posted in the Town Clerk's office. Except in emergencies, the same defined as a direct or immediate threat to the public's health, safety or welfare, the board, commission or committee shall not take action on matters other than those agenda items specifically set forth in the written agenda.
- c. Copies of the minutes of the Select Board, Zoning Board of Adjustment/Development Review Board, the Planning Commission, public meetings and/or grievance hearings by the Listers, and the Board of Civil Authority shall be filed and kept in the Town Clerk's office in separate books provided for that purpose.
- d. Minutes of all other boards, commissions, and committees shall be kept by the Town Manager in accordance with the open meeting laws of the State.

130-201 OFFICERS GENERALLY

The officers of the Town of Northfield shall be those provided for by this charter. Such officers shall have all the powers necessary to carry out the provisions of this charter as well as those provided by law.

130-202 INCOMPATIBLE OFFICERS

No Town Officer shall hold incompatible Town offices as provided by law or this charter.

130-203 RELATIONSHIP BETWEEN AND AMONG TOWN OFFICERS

All Town officers whether elected or appointed shall exercise their duties and responsibilities independently unless otherwise provided by law or this charter.

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

130-204 CONFLICTS OF INTEREST

The Select Board shall adopt a policy or ordinance to ensure that the business of this Town will be conducted in such a way that no public officer of the Town will gain a personal or pecuniary advantage from his or her work for the Town and so that the public trust in Town officers will be preserved.

130-205 BOND

Before assuming office, elected and appointed Town officials/employees who have responsibilities that include the collection, handling, and/or disbursement of municipal funds shall be bonded or otherwise insured in an amount deemed appropriate by the Select Board to protect the Town from loss as a result of misconduct or criminal activity. The cost of such bonding or insurance will be paid for by the Town.

130-206 OATH OF OFFICE

All individuals in elected/appointed positions, the Town Manager, and all Police Officers of the Town shall, before assuming office, take, subscribe, and file with the Town Clerk the following oath:

"I, (name), solemnly swear (or affirm) that I will faithfully execute the office of (position) of the Town of Northfield to the best of my judgment and abilities, according to law, so help me God (or so I affirm)."

130-207 ELECTED OFFICERS

- a. The officers elected by the Town at its annual meeting in accordance with the procedures set forth in this Section and Section 130-208 shall be:
 1. Five Select Board members
 2. A Town meeting moderator
 3. A Town Clerk
 4. A Town Treasurer
 5. Library Trustees
 6. A Delinquent Tax Collector (voters may assign duties to Manager)
 7. A Grand Juror
 8. Three Listers
- b. All elected officers shall be chosen from the legally qualified voters of the Town and shall hold office for the terms hereafter specified and until their successors are elected and qualified.
- c. All elected officials, except the Town Meeting Moderator, shall be elected by Australian Ballot.

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

- d. When an elected official specified in this charter resigns, makes another Town his or her residence, dies, is recalled or becomes incapacitated, the office shall become vacant and the Select Board may appoint an eligible person to fill the vacancy until the next Annual Meeting when the person appointed and others may run for election. The person elected at the Annual Meeting shall serve until the originally elected official's term expires. For Select Board members and Library Trustees, incapacity shall include the failure to attend thirty percent (30%) of the regularly scheduled meetings of their board in a twelve (12) month period. For the Town Meeting Moderator, incapacity shall be the failure to attend a Special Town Meeting, in which case a majority vote from the floor may elect a temporary Moderator for that meeting.

130-208 TERMS OF OFFICE FOR ELECTED OFFICERS

- a. Three Select Board members shall be elected for a three-year term and two Select Board members for a two-year term. One of each length term shall be elected annually.
- b. The Town Meeting Moderator shall be elected annually and shall perform at Town Meeting and Special Town Meetings those duties prescribed by State law.
- c. The Town Clerk shall be elected for a three-year term and shall carry out the duties of Town Clerk as specified by statute and this charter. Any assistant(s), if deemed necessary, for the Town Clerk shall be appointed by the Select Board after consultation with the Town Clerk.
- d. The Town Treasurer shall be elected for a three-year term and shall carry out the duties of Treasurer as specified by statute and this charter. Any assistant(s), if deemed necessary, for the Town Treasurer shall be appointed by the Select Board after consultation with the Town Treasurer.
- e. The number, composition, terms of office, and functions of the Library Trustees shall be defined in the Administrative Code or other document approved by the Select Board.
- f. The Delinquent Tax Collector shall be elected for a one-year term of office and shall be paid an annual stipend to be set by the Select Board, unless the voters assign this duty to the Manager.
- g. The Grand Juror shall be elected for a one-year term of office and shall be paid an annual stipend to be set by the Select Board.
- h. The Listers will be elected for three (3) year terms which shall not coincide.

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

130-209 RECALL OF ELECTED OFFICERS

Any elected Town officer may be removed from office by Australian Ballot vote of the Town subject to the following conditions and procedures.

- a. There is filed with the Town Clerk a written petition signed by not less than ten percent (10%) of the registered voters of the Town seeking the removal of such Town officer.
- b. There shall be held thereafter, within forty-five (45) days after filing of said petition with the Town Clerk, a special Town Meeting for the purpose of voting by Australian Ballot on such officer's removal.
- c. If two-thirds (2/3) of the votes cast by Australian Ballot at said special Town Meeting result in an affirmative vote to remove such Town officer, such Town officer shall cease to hold that office and such office shall be considered to be vacant.
- d. Such vacancy shall be filled as provided by this charter.
- e. A recall petition shall not be brought against an individual more than once within a twelve (12) month period.

130-210 APPOINTED TOWN OFFICERS

- a. The Select Board shall appoint, and may remove for cause, Town Officers as specified in this charter and Administrative Policy/Code.
 1. Pound Keeper
 2. Town Service Officer
 3. Tree Warden
 4. Fire Warden
 5. Health Officer
 6. Zoning Administrator
 7. Members of the Town Planning Commission
 8. Members of the Zoning Board of Adjustment/Development Review Board
 9. Cemetery Commissioner
 10. Road Commissioner
 11. Police Chief
 12. Fire Chief
 13. Ambulance Supervisor
 14. Auditor
 15. Town Manager
 16. Such other Town Officer(s) or municipal appointments that may be necessary

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

- b. The number, composition, terms of office, and functions of the Planning Commissioners and the Zoning Board of Adjustment/Development Review Board shall be defined in the By-Laws for the Regulation of Land Use in the Town and Village of Northfield, also known as the Northfield Zoning Regulations or the Northfield Zoning By-Laws.
- c. The Select Board, in a process outlined in Administrative Policy/Code, may temporarily appoint an individual to perform the duties of an appointed position / officer if the incumbent is absent or is placed on administrative leave by the Select Board.

130-211 VACANCY DURING UNEXPIRED TERM OF ELECTED AND APPOINTED OFFICERS

In order to inform citizens and afford them the opportunity to participate in Town government, public notice shall be given of municipal vacancies resulting from resignation, death, disability, recall, or change of residence of a Town Officer whether elected or appointed. Such notice shall be made by posting the vacancy in the Town Clerk's office, four (4) other public places in the Town, and the designated Town Newspaper at least ten (10) days prior to the meeting at which the Select Board intends to fill the vacancy. Such notice shall provide for the right of any interested citizen to submit a written application to the Select Board regarding such.

130-212 TOWN MANAGER; QUALIFICATIONS

- a. The Manager shall be chosen solely on the basis of his or her executive, administrative, and professional qualifications.
- b. The Manager shall not take part in the organization or direction of a political party, serve as member of a party committee, nor be a candidate for election to any public office.

130-213 TOWN MANAGER; DUTIES AND RESPONSIBILITIES

- a. The Manager shall be the Chief Executive Officer of the Town and shall carry out the policies established by the Select Board, to whom the Manager shall be responsible.
- b. The Manager shall attend all meetings of the Select Board, except when compensation or removal of the Town Manager is being considered, or the Select Board allows such absence. The Manager shall keep the Select Board informed of the financial condition and further needs of the Town and shall make such other reports as may be required by law, requested by the Select Board, or deemed by the Town Manager to be advisable.
- c. The Manager has the right to attend all meetings of standing committees, boards, and agencies appointed by the Select Board.

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

- d. The Manager shall be an ex-officio member of all standing committees, but may not vote.
- e. The Manager shall perform all other duties prescribed by this charter, required by laws of this State, or resolution of the Select Board.
- f. The Manager shall prepare an annual budget, submit it to the Select Board for their approval and be responsible for its administration after adoption by the voters of the Town.
- g. The Manager shall compile for general distribution at the end of each fiscal year a complete report on the finances and administrative activities of the Town of the year.
- h. The Manager shall furnish a financial statement to the Select Board at least quarterly, with the assistance and cooperation of the Town Treasurer and/or Accounting Manager, who shall furnish whatever financial data are necessary to enable the Town Manager to fulfill his budgetary and financial responsibilities.
- i. The Manager shall be responsible for the operation of all departments as designated by the Select Board.
- j. The Manager shall be the general purchasing agent for the Town and its departments, agencies and commissions.
- k. The Manager shall be responsible for the administration of a system of accounts.
- l. The Manager shall have the authority to appoint, fix the salary of, within the salary ranges established by the Select Board, suspend, and remove all employees of the Town, subject to the provisions of the charter and any Personnel Regulations as approved by the Select Board.
- m. The Manager may, when advisable or proper, and with the approval of the Select Board, delegate to subordinate officers and employees of the Town, any duties conferred upon him or her.
- n. The Manager, with the department heads, shall prepare annually for the Select Board a three-year Capital Improvement Plan.
- o. The Manager shall serve as Collector of Delinquent taxes if approved by the voters at an Annual or Special Meeting.

130-214 TOWN MANAGER; ABSENCE

In the event of a temporary absence or disability, the Town Manager may, with the consent of the Board, designate by letter filed with the Town Clerk, a qualified person to perform the manager's duties. If the manager fails to make such designation, or this designation fails to meet Select Board approval or the absence of Manager is caused by termination or the Manager dies, the Select Board may appoint a person to perform the duties of the Manager until he or she shall return, his or her disability shall cease, or a replacement manager is secured.

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

130-215 ZONING ADMINISTRATOR

The Zoning Administrator shall be appointed by the Select Board in accordance with the By-Laws for the Regulation of Land Use in the Town and Village of Northfield. The Zoning Administrator shall implement the Northfield Zoning Regulations and support the Planning Commission and the Zoning Board of Adjustment / Development Review Board as required.

130-216 LISTERS

- a. Duties and responsibilities of the Listers shall be in accordance with state statute.
- b. Upon the recommendation of the Listers, the Select Board may approve the hiring of a Licensed Mass Appraiser/Professional Assessor to assist them in the execution of their duties.

130-301 SELECT BOARD ORGANIZATION

- a. Forthwith after their election and qualification, the members of the Select Board shall organize and elect a Chairman and a vice-Chairman by a majority vote of the entire Board.
- b. The Board may conduct its business in accordance with Robert's Rules of Order. The Chairman shall be entitled to participate as a full voting member.
- c. Three Selectpersons shall constitute a quorum. No action of the Select Board shall be valid or binding unless adopted by the affirmative vote of a majority of the Board. The quorum may be established in person or by audio conference. In cases where statute requires a greater fraction of the authorized Board for an affirmative vote than as specified above, such provisions of law shall control.
- d. All meetings of the Select Board shall be open to the public in accordance with the provisions of the Vermont Open Meeting law.
- e. The agenda of the Select Board meetings shall be made available to the public at least twenty-four (24) hours prior to the meeting and posted in the Town Office and four (4) other public places.

130-302 SELECT BOARD PROCEEDINGS

- a. It shall be the duty of the Select Board to keep an official record of its proceedings which shall be open for public inspection under State statutes.

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

- b. The minutes of each meeting shall be approved by the members of the Select Board and shall be filed in the Town Clerk's office, a duly certified copy of such minutes, attesting to the accuracy and recording thereof, shall constitute the official transcript of such meeting and shall constitute prima facie evidence of the conduct thereof and the action taken thereat.

130-303 ADMINISTRATIVE POLICY/CODE

The Select Board shall adopt and maintain an Administrative Policy/Code to describe and govern the operation of Town government. The Administrative Policy/Code shall in all respects be consistent with law. The Policy/Code shall at a minimum:

- a. Define the organization of Town government including a description of the various Departments and the powers, duties, responsibilities, and term lengths of the Town Officers.
- b. Document the Personnel Policy governing Town employees.
- c. Document financial procedures consistent with Government Auditing Standards including: (1) the process for the preparation of budgets, (2) the definition of what qualifies as a capital improvement project or capital expenditure and the method for obtaining specific approval for each project by the Australian Ballot vote of the Town and (3) a competitive process for budgeted and non-budgeted purchases.
- d. Document such other procedures as may be necessary to carry out the effective operation of Town government.

130-304 LEGAL SERVICES

The Select Board shall have the authority to contract for legal services. Contracted attorneys may prosecute and defend all suits in which the Town is interested.

130-401 FISCAL YEAR

The fiscal year for the Town shall commence on the first day of July and end with the last day of June.

130-402 INVESTMENTS

- a. The Town shall only invest its funds in instruments judged by the Treasurer to be the most risk free ones available.
- b. The Select Board shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the instruments in which any of the Town's funds shall have been invested, as well as the proceeds of such investments.

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

130-403 PETITIONS FOR SUPPORT OF NON-GOVERNMENTAL ORGANIZATIONS

Requests by Non-Governmental Organizations (NGO) for funding support shall be individually voted by Australian Ballot of the Town only at the Annual Town Meeting. To be warned as an article for the Annual Town Meeting, the petition for support shall have been signed by not less than five (5) percent of the registered voters of the Town and submitted to the Town Clerk at least ninety (90) days before the date of the Annual Town Meeting. The Town Clerk shall verify the status of the signatures on a petition within twenty-one (21) days of receipt. Once an article providing support to an NGO is approved by the voters, the approved amount shall be incorporated as an appropriation in the Town Budget and the amount approved shall be added to the property tax levy for the corresponding tax year. The Select Board shall determine the disbursement schedule for payment of the funds to the NGO(S). It shall be a general requirement that an NGO submitting a petition shall present the reason(s) for their request to the Select Board prior to the Select Board endorsing the Ballot item. The Select Board shall have the authority at its discretion to place an NGO article onto the Australian Ballot for an Annual Town Meeting.

130-404 PETITIONS FOR SUPPORT; SAVINGS CLAUSE

When a Non-Governmental Organization has had its Petition for Support approved by the voters for three (3) consecutive years or more, then the NGO's request for Support may be placed as an Article for subsequent Annual Town Meeting(s) in the same amount at the Select Board's discretion upon written request by the NGO not less than forty (40) days prior to the following Town Annual Meeting.

Should an NGO with three (3) or more consecutive years of voter approval ever chooses to increase the amount of the Support request, then the NGO must again petition for an Article as outlined in this charter.

130-405 PREPARATION AND SUBMISSION OF THE BUDGET

- a. Annually, prior to November 30, a committee of five (5) voters shall be selected from all of those responding to a public solicitation to review, with the Select Board, the proposed Town Budget. Their terms shall expire upon final adoption of the budget. The Select Board shall appoint two (2) members and the Treasurer one (1) member; these three (3) shall appoint two (2) additional members.
- b. At least ninety (90) days before the date of the Annual Town Meeting, the Town Manager shall submit a draft budget and a line item estimate of (1) the financial condition of the Town as of the end of the fiscal year and as of the date of the submission of the draft budget, (2) the income and

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

expenditures required for the operation of the Town government for the next fiscal year, and (3) such other information as may be required by the Select Board.

- c. The Select Board with the committee of five (5), shall review and finalize the proposed Town budget publicly and prepare it for submission to the voters at the Annual Town Meeting. Copies of the Select Board and committee of five (5) budget in its final form shall be posted on the Town website within five (5) days of finalization and be made available in hardcopy to the legal voters of the Town at least ten (10) days prior to the Annual Meeting.

130-406 SAVING CLAUSE

Failure to perform any of the actions described in Section 130-405 of this charter, or failure to perform any of the actions within the time limits specified, shall not invalidate any action taken at a duly warned meeting.

130-407 APPROPRIATIONS

- a. The Town at the Annual Meeting shall adopt by Australian Ballot a total dollar General Fund and a total dollar Highway budget. The General Fund budget amount shall be based on the proposed expenditure of each department for the coming fiscal year. Adoption of a budget or article providing support to a Non-Governmental Organization (NGO) which adheres to section 130-403 shall be deemed an appropriation to each department or NGO of the sum specified. A department's total expenditures may not exceed the amount appropriated to it, except by majority vote of the Select Board.
- b. Any fiscal appropriation shall be voted on by Australian Ballot at a duly warned meeting of the Town. This shall not be construed to limit the Select Board's ability to apply for and/or accept grants/donations without voter approval.
- c. Money shall not be paid out of the Town Treasury except on a warrant signed by at least three (3) members of the Select Board and authenticated by the Town Manager. In the case of payroll disbursements, each elected Select Board member, at their discretion, assign the Manager, a Selectperson, a committee of Selectpersons or any derivation thereof to sign payroll warrants. All warrants and payroll warrants signed outside of a regular Select Board meeting must be ratified by the Select Board at a subsequent meeting.
- d. Every Appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for capital expenditure shall continue in force until the purpose for which it was made has been accomplished or formally abandoned by Australian Ballot vote of the Town.

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

130-408 TAX EXEMPTION / STABILIZATION

The Select Board shall develop, and document within the Administrative Policy/Code, a process that identifies the circumstances under which non-statutory tax exemptions and/or tax stabilizations may be granted as well as the methodology to be used in applying for and approving these exemptions. Before taking affect this process and any subsequent changes shall be approved by the Town voters by Australian Ballot.

130-409 TAXATION

- a. Upon passage of the budget by vote of the Town, the amounts stated therein as the amounts to be raised by property taxes shall constitute determination of the amount of the levy for the purpose of the Town in the corresponding tax year and the Select Board shall levy such taxes on the Grand List for the corresponding year. At no time shall taxes be used for the purpose of subsidizing special service districts.
- b. Taxes shall be collected as established by vote at Annual Town Meeting.
- c. Delinquent property taxes shall accrue penalty, interest, fees and costs to the maximum extent permitted by law, and all such penalty, interest, fees and costs shall be paid over to the Town Treasurer for inclusion in the General Fund of the Town.

130-410 BORROWING OF FUNDS

- a. The incurring of bonded indebtedness, the issuing of bonds, the making of temporary loans in anticipation of bond sales, and all other procedural matters pertaining to bonded indebtedness shall be controlled by such State statutes as are applicable.
- b. The Town, through the Select Board, may borrow in anticipation of taxes.
- c. In cases of a highway emergency, the Select Board may appropriate funds or borrow money in the name of the Town.
- d. The Select Board, in the name of the Town, may borrow funds in anticipation of Federal and State funds which have been approved and committed, until such time as such funds are available, but in no event for a term of longer than five (5) years. Any debt so incurred for a project shall be repaid from the first Federal and/or State funds received for that project.
- e. Any expenditure beyond the amount in the Town budget and all borrowing except as specified in subsections b, c and d of this section, shall be by Australian Ballot vote of the Town and upon such terms and conditions as the Town shall vote.

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

- f. Funds may be transferred within budgets upon Select Board authorization subject only to limitations of law.

130-411 DISPOSITION OF FEES AND FINES

- a. All fees established by law or ordinance and payable to the Town shall be promptly deposited upon receipt into the appropriate fund of the Town.
- b. All fines and penalties payable to the Town by reason of any violation of ordinance shall be turned over promptly upon receipt to the Town Treasurer for inclusion in the General Fund of the Town.

130-501 ORDINANCE ADOPTION BY SELECT BOARD

- a. If the Select Board desires to adopt or modify an ordinance, they shall cause it to be entered in the official record kept of their proceedings and proceed as directed by this section.
- b. The draft ordinance or modification shall be posted in the Town Clerk's office and four (4) other public places together with a notice of the time and place of a public hearing to consider the ordinance for final passage. Concurrently, a notice will be published in the designated Town newspaper containing the title, summary, effective date and penalty of the draft ordinance or modification along with the time and place of the public hearing. Posting and publication will occur at least one week prior to the public hearing.
- c. At the public hearing the draft ordinance or modification shall be read in full. After such a reading all persons interested in commenting on the draft shall be given an opportunity to be heard.
- d. At any subsequent Select Board meeting at least two (2) weeks after the public hearing, the ordinance or modification may be finally adopted, with or without amendment. If the Select Board amends the ordinance or modification prior to passage, they shall cause the amended version to be entered in the official record of their proceedings, and shall also cause a notice of the amended and passed version to be published in the designated Town newspaper not more than fourteen (14) days after adoption.
- e. Every ordinance or modification shall become effective immediately after adoption, unless a more distant effective date is specified in its text or it is conditioned on approval by the voters of the Town. If within thirty (30) days of adoption, a petition for amendment or repeal is filed with the Town Clerk, the ordinance or modification shall not become effective until after the question of reconsideration and repeal is voted on by the voters.

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

- f. The Town Clerk shall prepare and keep in the Town Clerk's office and the Town Manager's office a book of ordinances which shall contain each Town ordinance as modified, together with a complete index of the ordinances according to subject matter. Failure to comply with this provision shall not invalidate any Town ordinance lawfully passed or heretofore adopted.

130-502 EMERGENCY ORDINANCES

- a. To meet a public emergency affecting life, health, safety, or property, the Select Board may enact one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise or authorize the borrowing of money.
- b. An emergency ordinance shall be plainly designated an emergency ordinance and after the enacting clause, it shall contain a declaration stating the existence of an emergency, which shall be described in clear and specific terms.
- c. Prior to enactment, which shall require a favorable vote by a majority of the Select Board at a warned meeting for this purpose, the entire text of the ordinance shall be posted at the Town Clerk's office for twenty four (24) hours. The ordinance shall become effective upon passage but it shall automatically stand repealed as of the sixtieth (60th) day following the date on which it is enacted.
- d. An emergency ordinance may be repealed by the enactment of a repealing ordinance in the same manner specified in this section for the enactment of emergency ordinances. An emergency ordinance may become a regular ordinance by its re-enactment according to Section 130-501 or 130-505 of this charter.

130-503 PENALTIES FOR BREACH OF ORDINANCES

- a. A Town ordinance may provide, if it so states:
 - 1. For a fine in an amount no greater than \$1,000.00 and the recovery of legal expenses related to ordinance enforcement, and
 - 2. That each day a violation continues may constitute a separate offense.
- b. All fines and penalties payable to the Town by reason of any violation of ordinance shall be paid over promptly upon receipt to the Town Treasurer for inclusion in the General Fund of the Town.
- c. A violation of a Town ordinance shall be classified within the ordinance as either a criminal misdemeanor or a civil violation and shall be prosecuted in accordance with the procedures documented in State statute. The Select Board may apply to the Vermont Superior Court to enjoin the violation of

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

an ordinance, but the election of the Board to proceed under this subsection shall not prevent prosecutions under this section.

- d. All Town ordinances whose violation is a civil offense for which a fine is payable shall include in their text both the waiver penalty and the full penalty.

130-504 AMENDMENT OR REPEAL BY VOTERS

All Town ordinances except as specified in Section 130-506 of this charter may be amended or repealed by the voters of the Town. The voters shall request the Select Board call a Special Town Meeting to consider amendment or repeal by filing with the Town Clerk within thirty (30) days of adoption of an ordinance a petition signed by not less than ten percent (10%) of the registered voters of the Town seeking a specific amendment to or the repeal of the ordinance. Such Special Town Meeting shall be held within forty-five (45) days of the filing of the petition.

130-505 ADOPTION ON PETITION

An ordinance or rule/article may be proposed for adoption by the voters of the Town, as follows. The voters shall request the Select Board call a Special Town Meeting to consider the adoption of an ordinance or rule/article by filing with the Town Clerk a petition signed by not less than ten percent (10%) of the registered voters of the Town. Said petition shall include the draft text of the ordinance or rule/article. The Select Board shall call a Special Town Meeting to be held within sixty (60) days of the date the petition is filed, unless prior to such meeting the Select Board shall have enacted the ordinance. The warning for the meeting shall include a summary of the text of the proposed ordinance or rule/article, its effective date and penalty provision for violation thereof (if applicable), and shall be posted and published as the law of this State requires for a special meeting generally. The warning shall provide for a "yes" or "no" vote by Australian Ballot as to its enactment. Copies of the proposed ordinance or rule/article shall be posted in its entirety in the Town Clerk's office and at least four (4) other public places in Town for at least thirty (30) consecutive days prior to the date of the Special Meeting. Alternatively and at the discretion of the Select Board, the enactment of the proposed ordinance or rule/article may be included as an article in the warning for the next ensuing Annual Town Meeting provided that the Annual Town Meeting shall be held within one hundred twenty (120) days of the filing of the petition for enactment.

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

130-506 NON-APPLICABILITY TO ZONING AND PLANNING

The provisions of Sections 130-501, 130-502, 130-504, and 130-505 of this charter shall not apply to the enactment, amendment or repeal of any zoning or subdivision ordinance or bylaw, nor to any municipal or regional plan. Such ordinances, bylaws, and plans shall be enacted, amended, or repealed in accordance with State statute.

130-601 DATE OF ANNUAL MEETING

The Annual Meeting of the Town for the consideration of all matters to be voted upon shall be held in accordance with State statute or as established by Australian Ballot at a duly warned Town Meeting.

130-602 ELIGIBLE VOTERS

A method for the identification and designation of the eligible voters in Town Meeting consistent with State Statute shall be established and enforced by the Town Clerk and the Board of Civil Authority.

130-603 POLLING PLACES

In any Annual or Special Town Meeting for the purpose of the election of officers and the voting on all questions to be decided by Australian Ballot, such polling places as are needed shall be established by the Board of Civil Authority or by a vote of the Town at an Annual or Special Town Meeting.

130-604 ANNUAL and SPECIAL TOWN MEETINGS

- a. If an application for a Special Town Meeting is made not more than sixty (60) days and not less than forty (40) days before Annual Town Meeting day, the Select Board may postpone voting on any or all of the petitioned articles until the Annual Town Meeting.
- b. If within five (5) days after application is made for a Special Town Meeting, a petition for another Special Town Meeting is filed, the Select Board may postpone voting on any or all of the articles in the first petition until the Special Town Meeting called upon the second petition provided that the Special Town Meeting on the second petition is warned for a day not more than sixty (60) days after the filing date of the first petition.
- c. Prior to the Annual or any Special Town Meeting, the Select Board shall conduct a public hearing to explain the articles to be voted on by Australian Ballot.

PROPOSED CHARTER FOR THE TOWN OF NORTHFIELD

130-701 CHARTER RETENTION

A copy of this Charter as approved by the State Legislature shall be kept in the Town Clerk's office and made available upon request for public inspection.

130-801 CHARTER IMPLEMENTATION

- a. This charter shall take effect immediately following its incorporation in State statute, but not sooner than July 1st of the year of incorporation.
- b. The Northfield Town Manager's employment contract shall remain in effect.
- c. All elected and/or appointed Town Officers called for by this charter shall continue in office for the duration of their term. Town Officer positions not called for by this charter shall cease to exist and any responsibility not assigned otherwise shall become a responsibility of the Select Board.
- d. All Town Employee labor agreements in effect when this charter takes effect, shall remain in force until modified or terminated.
- e. All personnel policies and procedures in effect when this charter takes effect, shall remain in force until modified or terminated.
- f. Any Administrative Code and/or financial procedures in effect when this charter takes effect, including non-statutory tax exemption / tax stabilization agreement(s), shall remain in force until modified or terminated.
- g. The budgets adopted by the Town for the fiscal year in which this charter takes effect shall remain the budgets of the Town and all capital improvement reserves shall be retained solely for the purposes designated.
- h. Upon implementation of this charter if a Town investment does not comply with section 130-402, they shall be brought into compliance within twelve (12) months.
- i. All Town Ordinances in effect when this charter takes effect shall remain in force until modified or terminated.
- j. Petitions for reconsideration and/or draft ordinances in front of the Select Board upon implementation of this charter shall remain valid and be dealt with under the process that applied when they were submitted.
- k. The Town Plan and all Town Zoning ordinances and/or procedures in effect when this charter takes effect, shall remain in force until modified or terminated.
- l. The Town's Voter Checklist on the day prior to implementation of this charter shall be the Town's Voter Checklist on the day of implementation of this charter.